

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-61009-CIV-SMITH

EDGAR QUINTERO,

Plaintiff,

vs.

HEALTHCARE REVENUE
RECOVERY GROUP, LLC.,

Defendant.

**ORDER AFFIRMING AND ADOPTING
REPORT OF MAGISTRATE JUDGE**

This matter is before the Court upon the Magistrate Judge's Report and Recommendation [DE 23]. In the Report and Recommendation, the Magistrate Judge recommends dismissing the action for Plaintiff's failure to prosecute.

On October 3, 2022, the Court granted Plaintiff's counsel Motion to Withdraw and ordered that, by October 19, 2022, Plaintiff either retain new counsel (who was required to file a Notice of Appearance) or file a Notice that Plaintiff intends to proceed without counsel. *See* DE 20. The Court also advised that "[f]ailure to timely comply with this Order may result in a recommendation to the District Judge that the case be dismissed for lack of prosecution." *Id.* On November 7, 2022, Defendant filed a Notice of Plaintiff's failure to comply with the Court's order. On November 17, 2022, the Magistrate Judge, after noting that Plaintiff was still non-compliant recommended that this action be dismissed with prejudice for Plaintiff's failure to prosecute. *See* DE 23. Pursuant to the Local Rules for the United States District Court, Southern District of Florida, the Magistrate Judge ordered "[w]ithin **14 days** after being served with a copy of this Report and

Recommendation, any party may serve and file written objections to . . . findings and recommendations.” *Id.* (citing 28 U.S.C. § 636(b)(1); S.D. Fla. Mag. R. 4(b).)

Neither party has filed Objections to the Magistrate Judge’s Report and Recommendation. Having reviewed, *de novo*, the Magistrate Judge’s Report and Recommendation to District Judge and the record, and given that Plaintiff has filed no Objections, it is

ORDERED that:

- 1) The Report and Recommendation to District Judge [DE 23] is **AFFIRMED and ADOPTED** and incorporated by reference into this Court’s Order.
- 2) Plaintiff’s Complaint is **DISMISSED without prejudice**.
- 3) All pending motions not otherwise ruled on are **DENIED as moot**.
- 4) This case is **CLOSED**.

DONE and ORDERED in Fort Lauderdale, Florida, this 2nd day of December 2022.

A handwritten signature in black ink, appearing to read 'Rodney Smith', is written over a horizontal line.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: Counsel of record